

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Technical Education – Suits – Andhra Pradesh High Court – CC No.710/2008 in W.P. No.26767 of 2007 filed by Sri S.A.Khayum and (23) others, Non-teaching Staff(Technical) of Jawaharlal Nehru Technological University College of Engineering, Anantapur towards implementation of 1986 pay scales with effect from 1.7.1986 instead of 1.4.1990 – rejected – Orders – Issued.

HIGHER EDUCATION (EC.1) DEPARTMENT

G.O.Rt.No. 1076,

Dated 01-11-2008.

Read the following:-

1. Judgment dt.14.12.2007 of Hon`ble High Court in WP No.26767 of 2007.
2. Government Letter No.273/EC.1/2008-1, dt.29.1.2008 addressed to the Registrar, Jawahar Nehru Technological University, Hyderabad.
3. Govt.D.O.Letter No.273/EC.1/2008-1, dt.06.06.2008 addressed to the Registrar, Jawahar Nehru Technological University, Hyderabad.
4. Lr.CC No.710/2008/AA/HE/CE/TE/IE, dt.11.7.2008 from the GP for Higher Education, High Court Buildings, Hyderabad.
5. Letter No.C1/3675/2008(Vol.II), dt.26.6.2008 from the Registrar, JNTU, Hyderabad along with Letter No. C1/3675/2007, dt.23.2.2007 together with enclosures.

ORDER:-

The Registrar, Jawaharlal Nehru Technological University, Hyderabad has informed that the Government have issued orders extending RPS 1986 w.e.f.1.7.86 assigning Scheduled I & II scales to the Non-Teaching Staff (Technical). The Government constituted a committee with Prof.T.Navaneetha Rao, the then Vice-Chancellor of Osmania University to examine the anomalies in Pay Scales and suggest suitable Schedule-II Pay scales vide G.O.Ms.No.79, Finance & Planning(FW.PRC.I) Dept., dt.30.3.1988. The Committee has submitted its report and recommended Schedule-II scale to certain categories of Technical Posts. The Government has accepted the recommendations of the Prof. T.Navaneetha Rao Committed and issued orders implementing the Scheduled –II Scales to the Technical staff w.e.f 1.4.90 instead of 1.7.86 vide G.O.Ms.No.287, Fin. & Plg.(FW.PRC.I) Dept., dt.3.12.1991. Aggrieved by this the Technical Staff of Sri Krishna Devaraya University, Anantapur have approached Hon`ble High Court for implementation of Committee recommendations from 1.7.86 instead of 1.4.90. The W.A. No.21/2000 was allowed by the High Court and judgment came in favour of petitioners of Sri Krishna Devaraya University. Accordingly the Government has issued revised orders vide G.O.Ms.No.7, Higher Education(UE.I) Department dt.11.2.2004 implementing the Schedule –II scales to the Technical staff working in Sri Krishna devaraya University, Anantapur only with retrospective effect from 1.7.86 instead of 1.4.90. Claiming a similar analogy, the staff of non-teaching staff of JNTU College of Engineering, Anantapur/Kakinada/Hyderabad has requested to implement the above orders infavour of them. The Registrar, JNTU, Hyderabad has requested the Government to consider the request of the Technical Staff and issue necessary orders.

2. The non-teaching staff of JNTU College of Engineering, Anantapur have filed WP No.26767of 2007 and the Hon`ble High Court has passed the following judgment on 14.12.2007:-

"In the facts and circumstances of the case, without expressing any opinion on merits, the 3rd respondent (Prl.Secretary to Govt.) is directed to consider the recommendations made by the respondent university, vide its letter No.C1/3675/2007, dt.23.2.2007, regarding extension of RPS of 1986 to the petitioners with effect from 1.7.1986, and pass appropriate orders as per law, within a period of six weeks from the date of receipt of a copy of this order and communicate the same to the petitioners."

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3. The petitioners have also approached the High Court and filed Contempt case No.710/2008 alleging willful non-implementation of the judgement in WP No.26767/2007 dt.24.12.2007.

4. In pursuance of the orders of the Hon`ble High Court the Government have examined the matter. Government is of the view that the Universities are autonomous organizations and each University is unique, governed by its own rules, regulations, practices and procedures; therefore, comparisons are inappropriate. The Government further observe that the Supreme Court in State of Tamil Nadu Vs. Seshachalam (2208 lab I.C.394) held that delay or laches is a relevant factor for a court of law to determine the question as to whether the claim made by an applicant deserves consideration. Delay and /or laches on the part of a Government servant may deprive him of the benefit which had been given to others. Article 14 would not, in any situation of that nature, be attracted, as it is well known that law leans in favour of those who are alert and vigilant. Moreover, legitimate expectations is a part of the principles of natural justice. No fresh right can be created by invoking the doctrine of legitimate expectations. In another case the Hon`ble Supreme Court in Chairman U.P.Jalnigam Vs. Jaswanth Singh (2007 (1) SLR 560) held that those who initiated action in time got the relief from the Court. Similar orders cannot be claimed ignoring the long and unexplained delay by others got the similar relief. In view of the above judgment of the Supreme Court, where there is a delay on the part of the claimants in claiming the benefit they may be denied the same even though similarly situated persons got the benefit.

5. In the instant case the Government have opined that orders were issued in G.O.Ms.No.287, Finance Department dt.3.12.1991 implementing the Schedule II Scales of the revised pay scales of 1986 to the non-teaching staff w.e.f., 1.4.90. The technical staff working in JNTU College of engineering are requesting to implement the Schedule II scales of G.O.Ms.No.78 dated 30.3.1988 from 1.7.1986 on par with technical staff of Sri Krishnadevaraya University, Anantapur who got favourable orders from the High Court in W.A.No.21/2000 dt.24.9.2002. The applicants filed W.P. No.26767 in the year 2007 after a delay of 16 years and 5 years from the date of judgment of the above Division Bench judgment of the High Court.

6. In view of the above circumstances, the Government having examined the recommendations made by the Registrar, Jawaharlal Nehru Technological University, Hyderabad in their letter No.C1/3675/2007, dt.23.2.2007, regarding extension of RPS of 1986 to the petitioners with effect from 1.7.1986 instead of 1.4.1990 hereby reject the request of the Writ Petitions on the ground of delay and laches.

7. The Registrar, Jawaharlal Nehru Technological University, Hyderabad/ Anantapur/ Kakinada shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT.**

To
The Registrar, Jawaharlal Nehru Technological University, Hyderabad/ Anantapur/Kakinada.
All the petitioners in WP No.26767 of 2008 through the Registrar, Jawaharlal Nehru Technological University, Hyderabad/Anantapur/ Kakinada.

Copy to
The GP for Higher Education, Andhra Pradesh High Court, Hyderabad.
The Finance (PC.I) Department.
The Law(C) Department.
The Higher Education (UE.I) Department.
Copy to P.S. to Prl.Secretary to Govt.(HE)
SF/SC.

//forwarded:::by order//

SECTION OFFICER.